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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 1818-0001

Application of: Stout

Art Unit: 275

Serial No. 09/100,934

Examiner: Thuy N. Pardo

Filed: June 22, 1998

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Technology Center 2600

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Michael D. Beck

Name of person mailing Document or Fee

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**LETTER**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

The following document is forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Petition to Invoke the Supervisory Powers of the Commissioner Under 37 C.F.R. § 1.181(3); and
2. Exhibit 1, copy of Decision to Make Special, dated March 27, 2003; and
3. Exhibit 2 copy of Decision on Appeal dated May 30, 2003; and
4. Exhibit 3 copy of Status Inquiry with return post card with PTO date stamp August 7, 2003; and
5. Return postcard.

Commissioner for Patents

August 25, 2003

Page 2 of 2

It is respectfully requested that the post card be stamped with the date it is received and returned as soon as possible. Please charge any deficiency or credit any overpayment to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,



Michael D. Beck  
Attorney for Applicants  
Registration No. 32,722

August 25, 2003

Maginot, Moore & Bowman  
Bank One Center/Tower  
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Application of: **Stout**

Technology Center 2600

Serial No. **09/100,934**

Group Art Unit: **2721**

Filed: **June 22, 1998**

Examiner: **Thuy N. Pardo**

Attorney Docket No. **1818-0001**

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Michael D. Beck

Name of person signing this certificate

Signature of person signing this certificate

Commissioner for Patents  
Alexandria, VA 22313-1450

PETITION TO INVOKE THE SUPERVISORY POWERS  
OF THE COMMISSIONER UNDER 37 C.F.R. §1.181(a)(3)

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to invoke the supervisory powers to compel the Examiner of this application to issue a Notice of Allowance. The Applicant received a Decision on Appeal on May 30, 2003 in which the Board reversed the Examiner's rejection of claims 5 and 6.

In support of this petition, Applicant, through his agent of record, asserts the following facts:

1. Applicant was granted a Petition to Make Special, dated March 27, 2003, (see Exhibit 1) based on the petition filed on June 22, 1998. The petition was based on the advanced age of the inventor, Mr. Stout.

2. Applicant appealed a final rejection of claims 5 and 6 and filed the initial brief on February 1, 2002.

3. Applicant received a Decision on Appeal on May 30, 2003 (see Exhibit 2) in which the Board overturned the final rejection of claims 5 and 6.

4. Applicant filed a Status Inquiry on August 4, 2003 (see Exhibit 3) because no response had been received from the Examiner.

5. Although the Boards decision was issued nearly 3 months ago, the Examiner has yet to take any action consistent with that decision.

6. All statements herein are made of the undersigned agent's own knowledge and are believed to be true. Furthermore, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

#### REMARKS

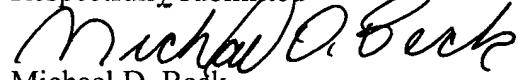
Applicant requests that the Commissioner for Patents invoke supervisory powers to compel Examiner to issue a Notice of Allowance. The Applicant has not received any communication from the Examiner or the PTO since receipt of the Decision on Appeal on May 30, 2003. In accordance with MPEP 1214.04, the Examiner has 2 months from the date of Decision on Appeal (July 30, 2003) to file a request for Rehearing of the Board's decision. No such request has been filed. This case has been pending over 5 years, even though a Petition to Make Special was filed with the original application. Even this Petition was not answered for nearly 5 years. Now, after finally receiving

favorable treatment of his application from the Board, Mr. Stout has been forced to continue waiting for the Examiner to take the proper action-namely, to issue a Notice of Allowance in light of the Board's reversal of the final rejection.

The facts of this application are highly appropriate for treatment under the provisions of 37 C.F.R. §1.181(a)(3). Applicant respectfully requests that the Commissioner exercise his supervisory powers to order the Examiner to issue a Notice of Allowance.

It is believed that no petition fee is required for a petition filed under 37 C.F.R. §1.181(a)(3). However, if any fee is required, the Commissioner is authorized to charge such fee to Deposit Account No. 13-0014. In addition, if it is determined that Applicants' prayer for relief falls under a different provision of the Code of Federal Regulations, such as 37 C.F.R. §1.182, Applicant requests that this petition be considered as having been filed under that provision and the Commissioner is authorized to charge any fee required under such provision to Deposit Account No. 13-0014.

Respectfully submitted

  
Michael D. Beck  
Reg. No. 32, 722

August 25, 2003  
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Michael D. Beck  
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Paper No. 46

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In re Application of: Wesley Stout	)	DECISION ON PETITION TO
Application No. 09/100,934	)	MAKE SPECIAL UNDER 37
Filed: June 22, 1998	)	C.F.R. §1.102(c) AND MPEP §
For: DATA FORMATTING SYSTEM	)	708.02 (IV): APPLICANT'S AGE

This is a decision on the petition, filed June 22, 1998, under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a statement from applicant, Wesley Stout, asserting that applicant is sixty five (65) years of age or more. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the examiner for expedited prosecution.

Pinchus M. Laufer

Pinchus M. Laufer  
 Special Programs Examiner  
 Technology Center 2100  
 Computer Architecture, Software, and Information Security  
 (703) 306-4160

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MAR 31 2003

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& BOWMAN

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The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.



Paper No. 48

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 29 2003

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**MAILED**

MAY 30 2003

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES*Ex parte* WESLEY STOUT IIIAppeal No. 2003-1046  
Application 09/100,934

ON BRIEF

Before FLEMING, DIXON, and BARRY, **Administrative Patent Judges**.FLEMING, **Administrative Patent Judge**.**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 5 and 6, all the claims pending in the instant application. Claims 1 through 4 have been canceled.

**Invention**

The invention relates to a method for operating a computer system to accurately perform date operations spanning centuries. See page 1 of Appellant's specification. Figure 6 shows a second

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615103-1001

Appeal No. 2003-1046  
Application 09/100,934

In view of the foregoing, we have not sustained the Examiner's rejection of claims 5 and 6 under 35 U.S.C. § 103.

**REVERSED**

*Michael R. Fleming*  
MICHAEL R. FLEMING  
Administrative Patent Judge

  
JOSEPH L. DIXON  
Administrative Patent Judge

LANCE LEONARD BARRY  
Administrative Patent Judge

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MRF: pqq